IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 07-1008-WO-US)

| In the Applic | ation of: |) |
|---------------|---|------------------------------|
| | Alastair David G. Lawson et al. |) |
| Serial No.: | 10/578,384 |) Examiner: Joanne Hama |
| 301101 1 (0 | 10,0,001 |) Group Art Unit: 1632 |
| Filing Date: | January 16, 2007 |) |
| For: | Methods for the Treatment of Inflammatory Bowel Disease |) Confirmation No. 1913) |

DECLARATION OF ALASTAIR DAVID G. LAWSON, DIANE MARSHALL AND TIMOTHY BOURNE UNDER 37 C.F.R. § 1.131

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

- I, Alastair David G. Lawson and I Timothy Bourne and I Diane Marshall, in support of the above-identified United States patent application, do declare and state as follows:
- 1. We are the first, original, and joint inventors of the subject matter claimed in United States Patent Application Serial No. 10/578,384, filed on January 16, 2007, and entitled "Methods for the Treatment of Inflammatory Bowel Disease," which claims priority benefit of International Application PCT/GB04/04652 filed November 3, 2004, which claims the benefit of Great Britain application 0325836.5 filed November 5, 2003. We submit this Declaration to overcome the Section 102(e) rejection of this patent application based on United States Patent Publication US 2005/0059113 to Bedian et al. (hereinafter "Bedian"), which was filed on September 9, 2004 and claims priority to U.S. Provisional Patent Application No. 60/502,163, filed on September 10, 2003 (the priority

date of Bedian). The Bedian application issued September 22, 2009 as U.S. Patent No. 7,592,430.

- 2. We, at all relevant times herein, were and remain employees of Celltech R&D Limited, of 208 Bath Road, Slough, Berkshire, SL1 3WE, United Kingdom, predecessor-in-interest of the current assignee of this application, UCB Pharma S.A., 60 Allee de la Recherche, Brussles, Belgium.
- 3. We conceived the inventions disclosed in the above-reference patent application well prior to September 10, 2003 (the priority date of Bedian). We also exercised diligence in reducing our inventions to practice from at least prior to September 10, 2003, with both actual construction to practice as set forth in Exhibit 1 appended hereto, and continuing through to the constructive reduction to practice evidenced by filing the original Great Britain patent application on November 5, 2003.
- 4. Accompanying this Declaration is Exhibit 1, which evidences our efforts to diligently reduce the inventions to practice prior to that September 10, 2003.
- 5. Exhibit 1 is a copy of selected pages of laboratory notebook No. 10015850 (maintained by Dr. Diane Marshall). The pages of the notebook included in Exhibit 1 are the cover, Accession page, the Table of Contents page (partially redacted), and pages 1-30 and 53-67. These are the pages in the notebook relating to the use of anti-CSF-1 antibody as a treatment for DSS-induced colitis in mice. The dates on the pages of the notebook in this Exhibit have been redacted. Each original page of the notebook included two dates, one in the upper right-hand corner and one in the lower right-hand corner. The date in the upper right-hand corner represented the date that the experiment was conducted. The date in the lower right-hand corner represented the date that the various graphs and data sheets were physically affixed in the notebook. The upper-right hand corner dates of said pages are all dated prior to September 10, 2003. The lower right-hand corner dates of pages 1-30 and 53-59 are all dated prior to September 10, 2003.

- 6. The currently amended claims of the present application relate to a method for the treatment of inflammatory bowel disease (IBD) comprising administering a therapeutically effective amount of an inhibitor of CSF-1 activity to a patient in need thereof, wherein said inhibitor of CSF-1 activity is selected from one or more of an anti-CSF-1 antibody, or a CSF-1-binding fragment of an anti-CSF-1 antibody. This subject matter is reflected in the work recorded in Exhibit 1. At page 1, it is reported that anti-CSF-1 antibody significantly reduced disease severity of DSS-induced colitis in mice, as noted by reduced loss of body weight, less colonic shortening, reduced colonic disease symptoms (diarrhea, blood, profuse bleeding) reduced clinical disease scores (colonic disease and weight loss), reduced number of CD3⁺ cells and neutrophils in the colon. Graphs in the Exhibit illustrating this work correspond to the figures of the present patent application. Thus, application Fig. 1 corresponds to the top figure on page 2 of Exhibit 1; application Fig. 2 corresponds to the bottom figure on page 2 of Exhibit 1; application Fig. 3a corresponds to the top figure on page 3 of Exhibit 1; application Fig. 3b corresponds to the bottom figure on page 3 of Exhibit 1; application Fig. 4a corresponds to the top figure on page 4 of Exhibit 1; application Fig. 4b corresponds to the bottom figure on page 4 of Exhibit 1; application Fig. 5 corresponds to the figure on page 22 of Exhibit 1; and application Fig. 6 corresponds to the bottom figure on page 26 of Exhibit 1. Each of these pages in the original is dated in the upper right-hand corner with a date prior to the September 10, 2003 priority date of the Bedian reference.
- 7. All of the work referred to in this declaration occurred in the United Kingdom, except the filing of the present application which occurred in the United States through our patent counsel, Woodcock Washburn.
- 8. We hereby acknowledge that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9th october 2009

Alastair David G. Lawson

Date: The October 2009

Timethy Bourne

Date: 9/10/09
9th October 2009

Diane Marshall

ACCESSION PAGE

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- All persons using the Notebook and their line manager must give a specimen signature in the relevant section below. က်
- Full details on how to complete the Notebook are avuilable in the relevant procedure: If & D Notebook Record Kreeping (Non-GLP Studies) procedure (for Non -GLP)/ SOP No. GLP-SOP-MAN-16 (for GLP). 4.

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GLP STUDY: YES(NO)

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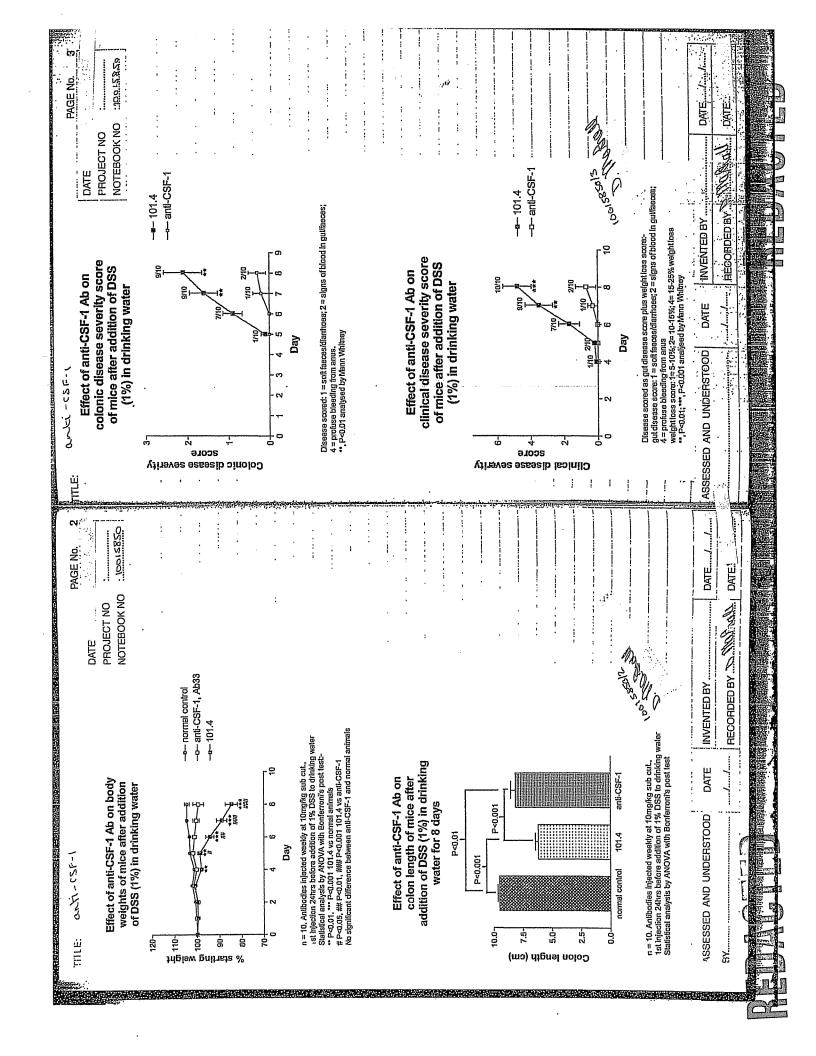
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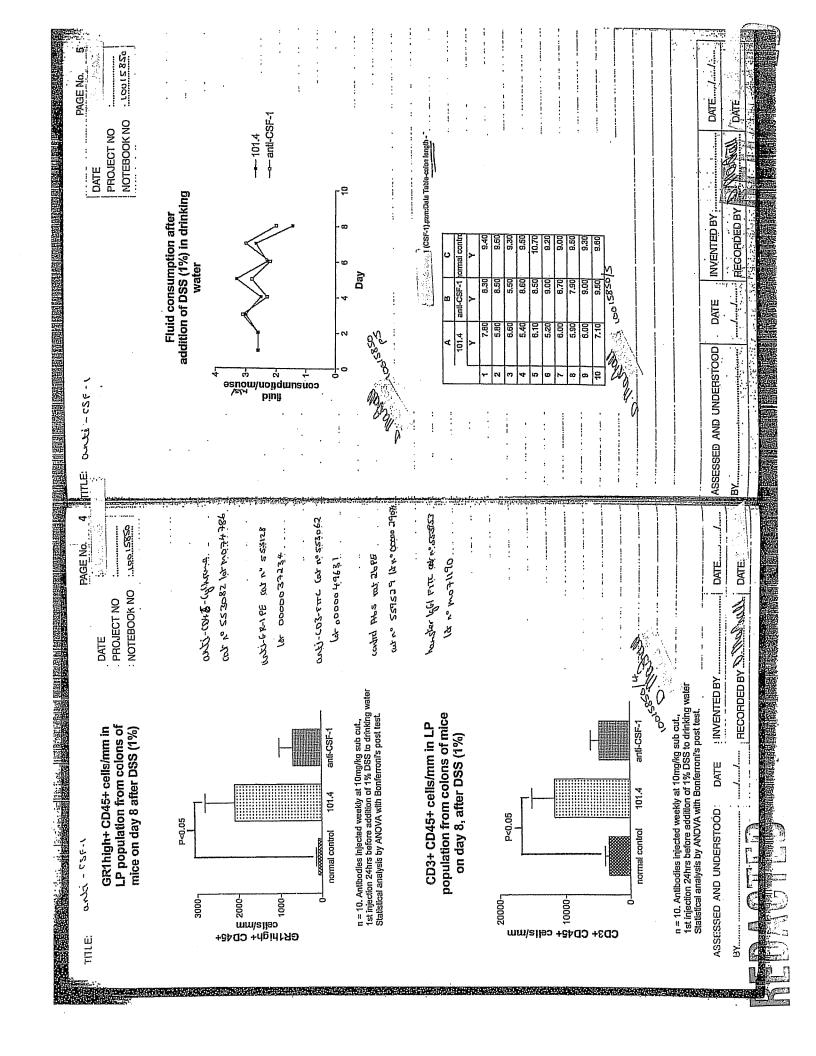
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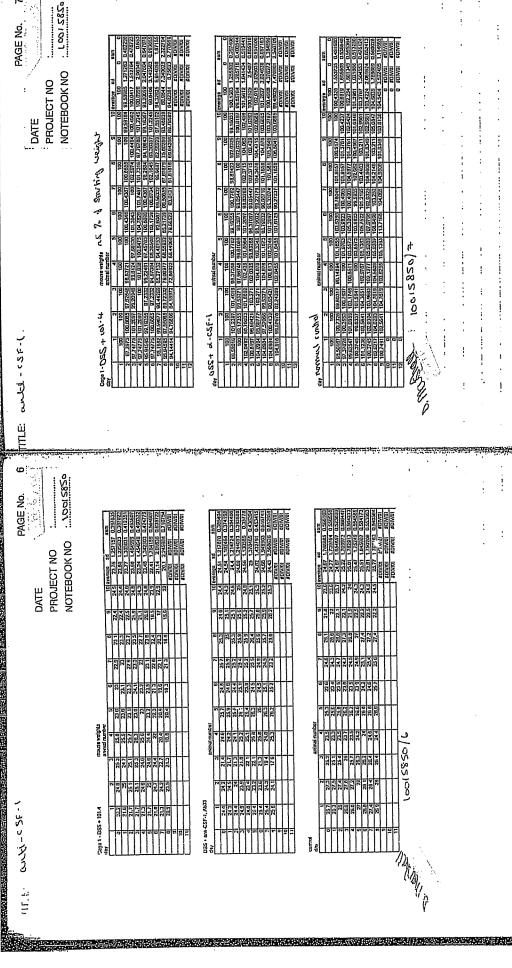
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10015 850 뫄 colons token and SSOOM Haptens DATE: 1/2.17 these regults were PAGE No. Contract dis.00.00 (0333 Mice will receive antibody once a week. Animals will be weighted each day and signs of diseases (loose stools, bleeding) noted. The volume of 1% DSS or water consumed also measured by weight. At end of expt., colons will be tramoved and length measured. At one section will be collected from the distal end for assessment of neutrophila and T cell infilluation by TAKCS analysis. The next 2 can section will be collected assessment of neutrophila and T cell infilluation by TAKCS analysis. The next 2 can section will be collected and placed in formalin for histological analysis. The next can will be place in culture medium for 24 hours, which time the supernatant will be collected and cytokine levels measured by lumines. Plasma will 18-24g) weighed and injected subcutancousty with RADARA Group I – 10I.4, control antibody (lots-10014426/15) – (Yl isotype)
Group 2 – Anti-CSF-1, alkylated Ab33 (4.7mg/kg)
10 mice in each group. Normal drinking water then replaced with 1% DSS (ICN MW 36-50K, Cat No 160110) in tap water 24 hours after 1st antibody injection. 1& Ye Ye 44339 FF NOTEBOOK NO PROJECT NO Period COCOULC ביל 201762 Bosco DATE foolicals Peducad CACS andysis, INVENTED BY RECORDED BY AN Colem D Aim To assess the effects of anti-CSF-1 antibody on DSS induced colitis in mice. 7 tobaco When wat in the chamistry (00 175So ş COMITY DISCOURT + WASTER DEST Biarthass Dond, addres Bash chilis Backering Group 3 – No treatment control group 10 mice will continue to have normal drinking water. Secretary projection barbai-200 Shikakuar DATE Licence 70/5748, procedure 19. Balb/c mice (males, batch RM3305, arrived DES COUNTY - DSS model of IBD (mice). لوز त्यं डाहिर Todoscale Œ also be collected at termination. y ASSESSED AND UNDERSTOOD لج Casa THO OURT-CSF1 nt significante mAb@10mg/kg TILE: PRISE-CSF-1 Study Period 8 1803 Dass-induced 200 2000 g 2 Raes toos Sone CARRO C THE STATE OF THE S K PAGE No. TABLE OF CONTENTS DATE







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Data Set-D

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P<0,0001

Data Table-6,weights table for stats

Table Analyzed

One-way analysis of variance

27

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1,203 5,064 3,861

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25 csf,d6 vs 101,d6

control,d6 vs csf,d6

23

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22 Bonferroni's Multiple Comparison Test

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23 19

17 ANOVA Table

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R squared

12 Bartlett's statistic (corrected)

13 P value

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14 P value summary
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Are means signif, different? (P < 0.05)

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Data Table-6,weights table for stats

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One-way analysis of variance

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Are means signif, different? (P < 0.05)

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11 Bartlett's test for equal varianc12 Bartlett's statistic (corrected)

15 Do the variances differ signif. (P < 0.05)

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44

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18 Treatment (between columns)

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24 control,d8 vs 101,d8

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| | (CSF-1) FACS pzm:Resul | X | Pa | | Table Analyzed | Data Table-2, CD3 | One-way analysis of variance | P value | P value summary | Are means signif, different? (P < 0. | Number of groups | ь. | R squared | | Barllett's test for equal variances | Barlett's statistic (corrected) | P value | P value summary | Do the variances differ signif. (P < 0 | | 17 ANOVA Table | Treatment (between columns) | Residual (within columns) | Total | | 22 Bonferronl's Mulliple Comparison Te | 101.4 vs antl-CSF-1 | 101.4 vs normal control | 25 anti-CSF-1 vs normal control |
| | | L | | | - | | m | 4 | | | ~ | ш | 67 | 9 | = | 2 | 5 | | _ | 9 | | | | 20 | 2 | 23 | ន | 77 | £ 2 |
| |] | حدوات | n ir n i | | | | | | | | | | | | _ | | | | | | | | | | | | | | |
| | · inu. | - | | -1.3 | ggi. | ere | YE B 2 | MZ | 1853 | CA! | | Z. | W. | Party. | | | | | | - | THE STREET | in. | 1347 | | 10200 | | 155 | n? | 9012 |
| : | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | 0 | Data Set-D | ٨ | | | | | | | | | | | | | | | | | | | | | | 95% Cl of diff | -240.6 to 3047 | 351.9 to 3640 | -1051 to 2236 |
| | ar results - (| ၁ | Data Set-C | X | | | | | | | | | | | | | | | | | MS | 10510000 | 2074000 | 4000 | | P value | P > 0.05 | P < 0.05 | P > 0.05 |
| | tonparametric):Tabula | 8 | Data Set-B | > | | | | | | | | | | | | | | | | | dí | 2 | 27 | 29 | | 1 | 2.179 | 3.099 | 0.9200 |
| | e-way ANOVA (and n | A | Value | * | | | | 0.0135 | | Yes | 3 | 5.066 | 0.2728 | | | 36.34 | P<0.0001 | 224 | Yes | | SS | 21010000 | 55990000 | 77010000 | | Mean Diff. | 1403 | 1996 | 592.5 |
| | (CSF-1) FACS.pzm.Results-1:One-way ANOVA (and nonparametric)/Tabular results - Vice of the control of the contr | X Labels | Parameter | × | Table Analyzed | Data Table-1, neutrophils | One-way analysis of variance | P value | P value summary | Are means signif, different? (P < 0.05) | Number of groups | ££. | R squared | | 11 Bartlett's test for equal variances | Barliell's stalistic (corrected) | P value | P value summary | Do the variances differ signif. (P < 0.05) | | 17 ANOVA Table | Treatment (between columns) | Residual (within columns) | Total | | Bonferroni's Multiple Comparison Test | 101.4 vs anti-CSF-1 | 101.4 vs normal control | 25 anti-CSF-1 vs normal control |
| | | İ | 1 | 1 | 1 | | P | 1 | 1 | 1. | l. | 1 | | L. | ıω | 12 | | 7 | 1_ | 1_ | 1 | . 1. | , | • | 1 | 144 | R | 1 | ŧ |

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| | 22 | Bonferroni's Mulliple Comparison Test | Mean Diff. | 1 | P value | 95% CI of diff | |
| | R | 101.4 vs antl-CSF-1 | 6837 | 2.199 | P > 0.05 | -1101 to 14770 | : |
| | 24 | 4 | 8301 | 2.669 | P < 0.05 | 363.3 to 16240 | |
| | 22 | anti-CSF-1 vs normal control | 1484 | 0.4707 | P > 0.05 | -6474 to 9401 | · |
| ł |] 4/ | 17/9585 1001 | | | | | : |
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| | 887-03 | 101.4 gp 1,1 | 22 | 23 | 26 | 22 | 38 | 12 | 54 | 18 | 32 | 22 | ., |
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| | 889 -03 | 101.4 gp 1,3 | 41 | 64 | 40 | 42 | 26 | 30 | 30 | 20 | 23 | 51 | ., |
| | 890-03 | 윱 | 17 | 21 | 18 | 14 | 31 | 15 | 19 | 32 | 33 | 18 | |
| | 891-03 | 101.4 gp 1,5 | 18 | 28 | 21 | 13 | 20 | 18 | 26 | 21 | 13 | 32 | C |
| | 882-03 | 윱 | 33 | 38 | 34 | 23 | 37 | 22 | 23 | 36 | 30 | 22 | (1) |
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| | 896-03 | 101.4 gp 1.10 | 48 | 38 | 27 | 38 | 25 | 42 | 35 | 25 | 38 | 33 | |
| | 897-03 | ab 33 gp 2,1 | 9 | 6 | Ë | 121 | 32 | 2 | 6 | 4 | Þ | æ | |
| | 888-03 | ab 33 gp 2,2 | 6 | 8 | 13 | 12 | 12 | 9 | 5 | 2 | 8 | ю | |
| | 899-03 | ab 33 gp 2,3 | 甲 | 15 | 18 | 15 | 16 | 15 | 13 | 13 | 10 | 20 | _ |
| | 900-03 | ab 33 gp 2,4 | 15 | 6 | 7 | 9 | 24 | 12 | 13 | 12 | 18 | æ | - |
| | 801-03 | ab 33 gp 2,5 | _ | 67 | ள | 4 | r2 | F | 67 | ~ | 7 | ~ | |
| | 802-03 | ab 33 gp 2,6 | 8 | F | 5 | 8 | ~ | 11 | 9 | 1 | 5 | Φ | |
| | 903-03 | ab 33 gp 2,7 | 18 | 21 | 2 | 52 | 12 | 22 | 10 | 12 | 6 | 53 | |
| | 904-03 | ab 33 gp 2,8 | 무 | 13 | 6 | ₹ | ω | Θ | 14 | 10 | 11 | 11 | |
| | 905-03 | ab 33 gp 2,8 | 42 | 13 | 2 | 10 | 13 | 11 | 14 | 8 | 10 | 6 | - |
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| | 907-03 | normal qp3,1 | 1 | æ | 4 | 3 | 4 | 9 | 4 | 5 | 8 | m | |
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| | 909-03 | normal gp3,3 | 2 | 10 | 0 | ij, | Ø | ल | 7 | ~ | 6 | 6 | |
| | 910-03 | normal gp3,4 | 4 | 7 | 5 | £ | 4 | 4 | 22 | m | ı, | m | |
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| | 912-03 | normal gp3,6 | l. | 2 | 4 | F | 2 | 4 | 7 | 2 | က | ıcı | • |
| | 913-03 | normal gp3,7 | 12 | 12 | 10 | 10 | 4 | 7 | 7 | 89 | 8 | 7 | _ |
| | 914-03 | normal gp3,8 | 1 | 7 | 3 | က | ß | Ą | 67 | = | 6 | ω | •• |
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n = 10. Antibodies injected weekly at 10mg/kg sub cut. יוצו injection 24hrs before addition of 1% DSS to drinking water. Statistical analysis by ANOVA with Bonferroni's post test.

anti-CSF-1

101.4

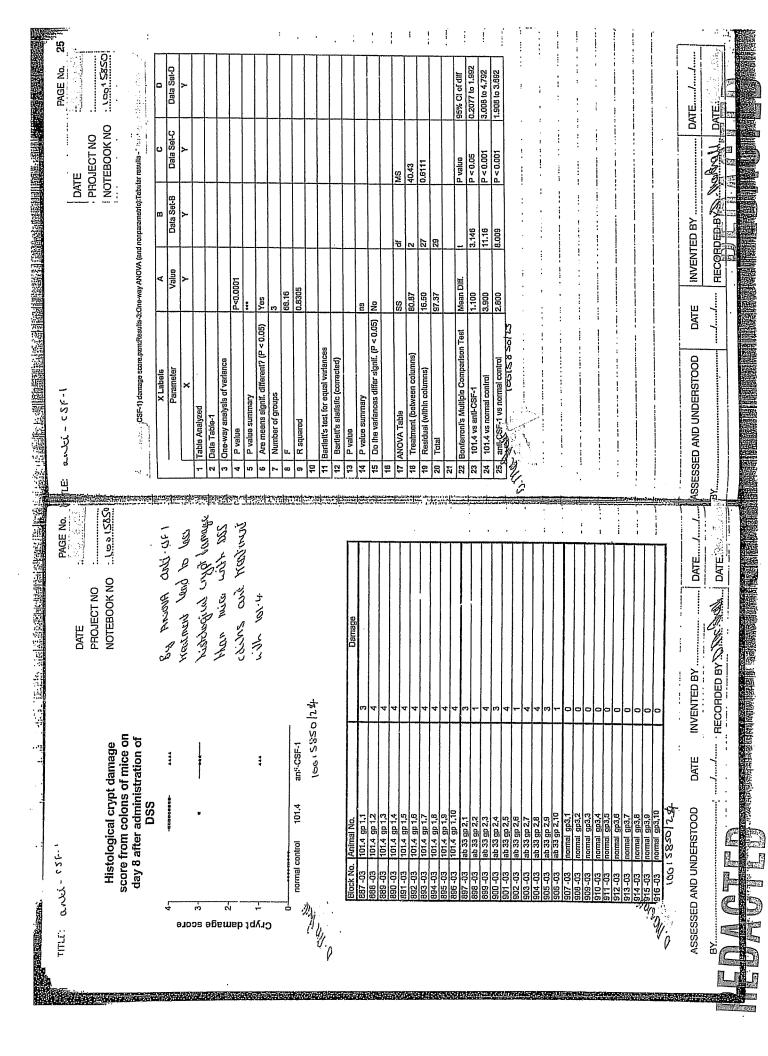
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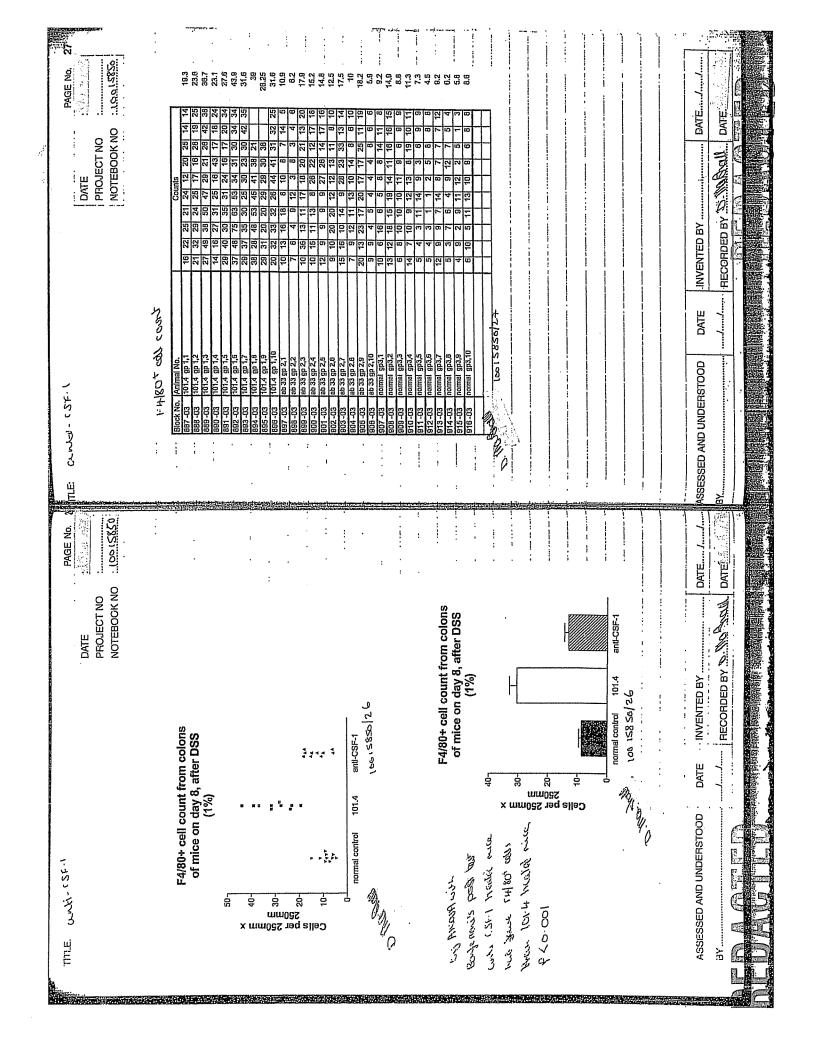
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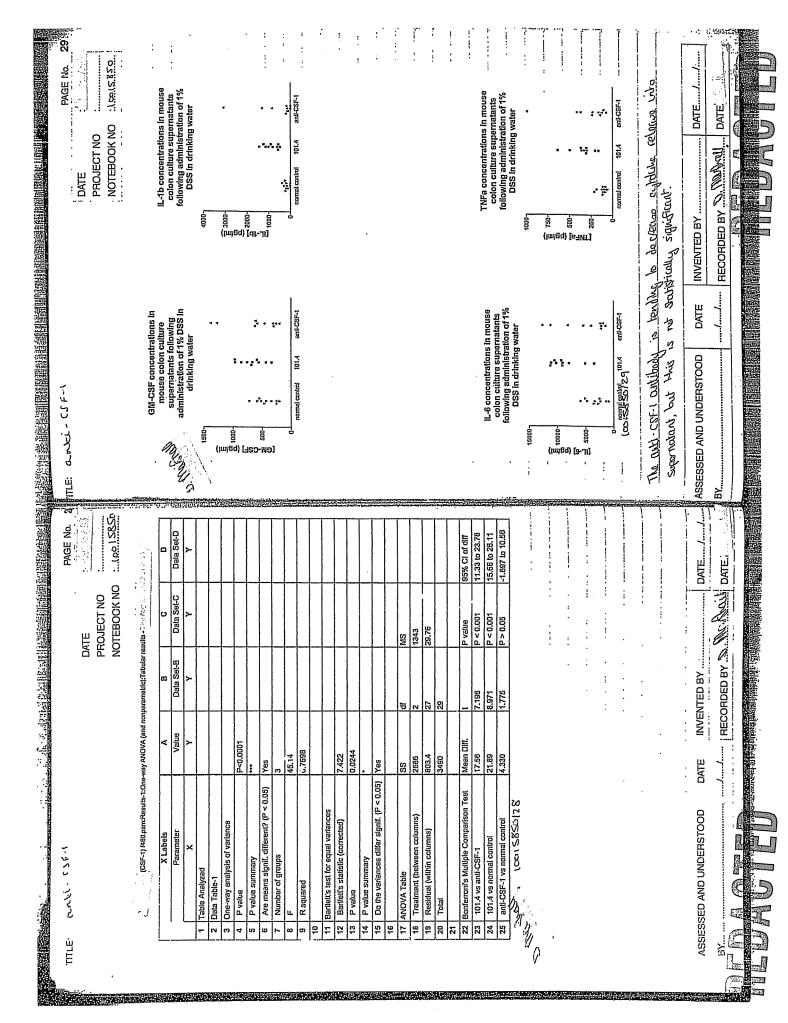
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| | | • | | | BACKGROUND VALLIE | , 87.002 | 565 11 | 318.59 | 971.06 | 15136 | 0 588.6 199.94 | 758.33 | 670.55 | CKGROUN | | | 1144.1 | 568.97 | 1018 | 614.47 | 819.65 | 2007.11 | 555.26 3089 | | ~ | 302 | 1786 | 777 | 10500 | 1202 | 9310.2 | 70114 | KGROUND | | 32958 3 | • | | • | • | 10,52 | ,- | 502 | |
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| | | | | | ٠ | 27.73 | 50.575 | 31.153 | 55.883 | 44.815 | 6 | 0 | 0 | | 173 | 645.15 | 23.78 | 24178 | 508.12 | 57079 | 814.58 | 12/0.1 | 779.16 | , | | 288.14 | 241.97 | 244.67 | 288.14 | 272.14 | 368.37 | 20262 | | | | 148.07 | | | | | | | |
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| | | | | | , | 459.73 | 316,13 | 34,727 | 194.48 | 261.54 | 166.89 | 36/62 | 2 | • | 7 5 | 2 1 | 40043 | 1 5 | 27.170 | 100 | 200 | 2000 | 17003 | • | į | 5 000 | 1007 | 2565.8 | 2000 | 20203 | 6121.9 | 6291.4 | ٠ | , | 286.16 | 2070 | | 3 : | 7 5 | 2000 | | 6777 | |
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. (- DSS model of IBD (mice).

 $\frac{\Delta im}{To$ assess the effects of anti-CSF-1 antibody on DSS induced colitis in mice.

Licence 70/3748, procedure 19.
Balbíc mice (males, batch RM3326, arrived 734 118-22g) weighed and injected subcutaneously with

mЛb @ 10img/kg.

Group J – 101.4, control antibudy (lot- 10014226/15) – (γι isotype)
Group 2 – Anti-CSF-1, alkylated Ab33 (4.7mg/kg/ المراكبة)
10 mice in each group. Normal drinking water then replaced with 1% DSS (ICN MW 36-50K, Cat No

Group 3 — No treatment control group 10 mice will continue to have normal drinking water.

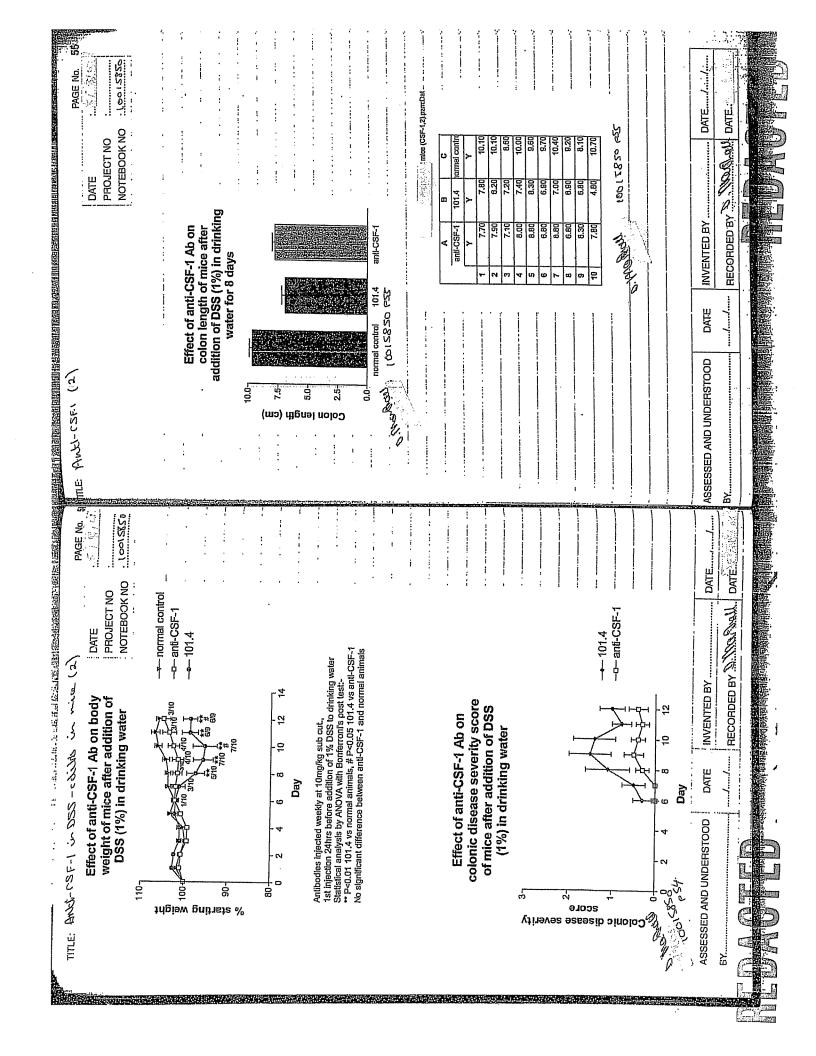
expl., colons will be removed and lengtil measured. A I can section will be collected from the distal can for assessment of neutrophil and T cell infiltration by FACS analysis. The next 2 cm section will be collected and placed in formalin for histological analysis. The next cm will be place in culture medium for 24 hours, and placed in the supermatom will be collected and explained with the collected and explained will be place in culture medium for 24 hours, also be collected at termination. Mice will receive antibody once a week. Animals will be weighed each day and signs of discuse (loose stools, bleeding) noted. The volume of 1% DSS or water constraned also measured by weight. At end of

Study Perlod BONN O

each iappool of the experiment This expertment is an of Mis. book.

the outi-CSF-1. antibody does warm to again profed from. نعجب المن المربع ويدلخ المصويدين isasyly loss, although their was no significant difference. heatween High Light as anti- (St-1 grayes ontil dem Dissource. Inchidana.

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:mice (CSF-1,2).pzm:Date Table-3, disease --

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mios (CSF-1,2),pzm:Results-1:One-way ANOVA (and nonparamelrio):Tabular results - :

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| L | X Labels | ¥ | 89 | ני |
| -, | Parameter | Value | Data Set-B | Data Set- |
| | × | λ | Å | Υ |
| - | Table Analyzed | | | |
| 2 | Data Table-2, colon length | | | |
| m | One-way analysis of variance | | | |
| 4 | P value | P<0.0001 | | |
| ls. | P value summary | *** | | |
| ဖ | Are means signif, different? (P < 0.05) | Yes | | |
| _ | Number of groups | 3 | | |
| @ | u. | 27.82 | | |
| 60 | R squared | 0,6733 | | |
| 2 | | | | |
| F | Bartlett's test for equal variances | | | |
| 12 | Barilett's statistic (corrected) | 0.5783 | | |
| 125 | P value | 0.7489 | | |
| 4 | P value summary | ns | | |
| 15 | Do the variances differ signif. (P < 0.05) | No | | |
| 16 | | | | |
| 1 | ANOVA Table | SS | ď | MS |
| 8 | Treatment (between columns) | 38.59 | 2 | 19.30 |
| 2 | Residual (within columns) | 18.73 | 27 | 0,6936 |
| 22 | Total | 57.32 | 29 | |
| 22 | | | | |
| 22 | Bonferron's Multiple Comparison Test | Mean DIff. | - | P value |
| R | anll-GSF-1 vs 101.4 | 0.8700 | 2.336 | P > 0.05 |
| 22 | - | -1.850 | 4.967 | P < 0.001 |
| 52 | | -2,720 | 7,303 | P < 0.001 |
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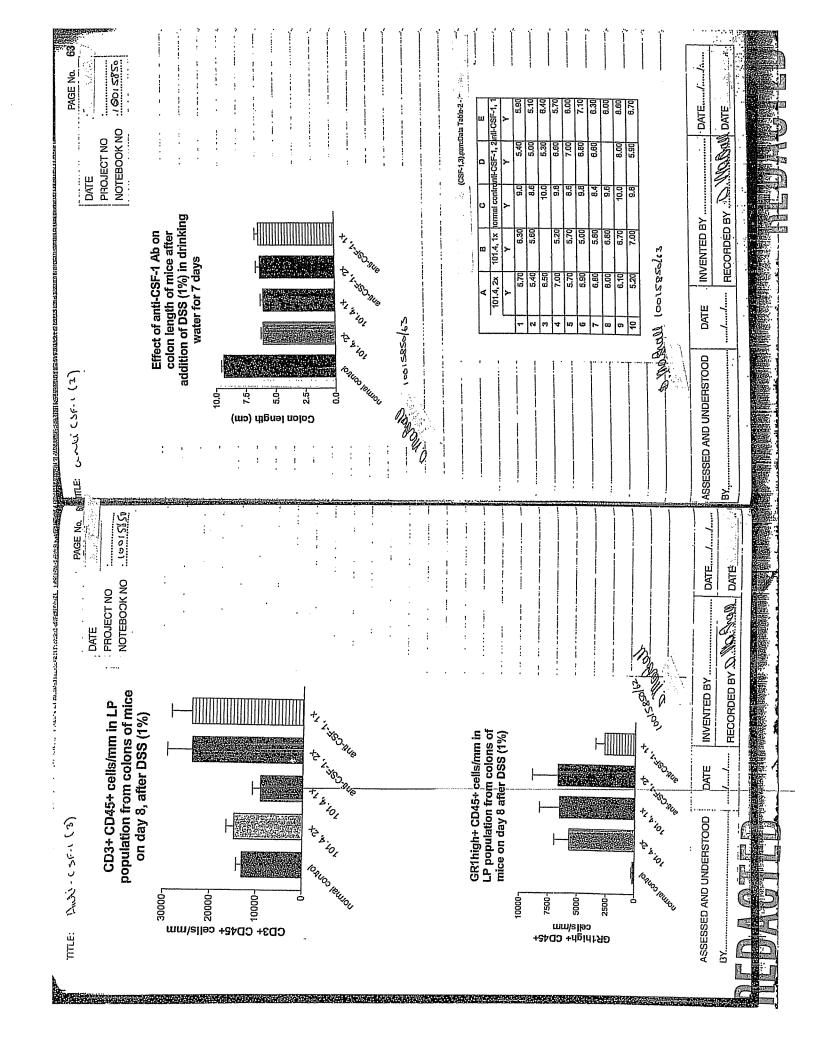
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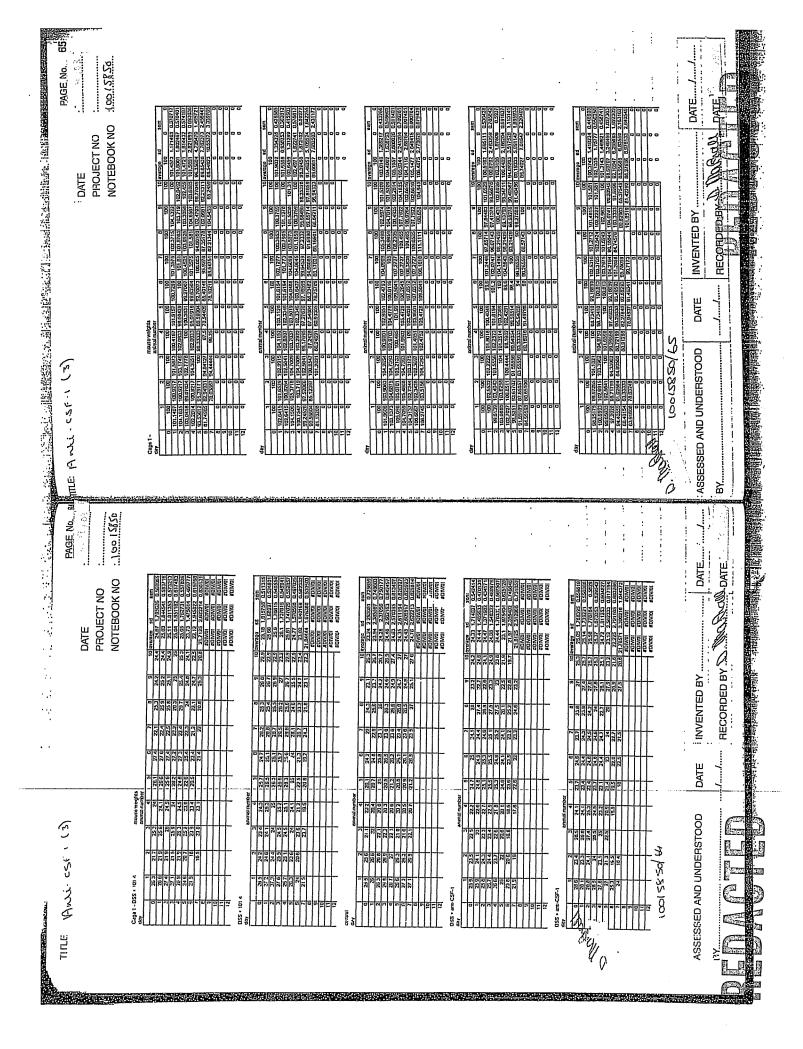
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: : : : : 1,0015850 PAGE No. DATE. -+- anti-CSF-1 -- anti-CSF-1 NOTEBOOK NO PROJECT NO - - control 4-101.4 101.4 ---- anti-CSF-1 x2 -e-anti-CSF-1 xd DATE 101.4× -- 101.4 x2 RECORDED PY ω addition of DSS (1%) in drinking INVENTED BY Effect of anti-CSF-1 Ab on colon length of mice after colonic disease of mice after addition of DSS (1%) in drinking water for 7 days G water for 7 days Effect of anti-CSF-1 Ab on r) DATE Day 4 ന (5) 1. 452 - 13m ASSESSED AND UNDERSTOOD S 19/05851907 6 ď colonic disease severity 110 င္ထ 6 120 ŝ 100 % starting weight βÁ 当岸 100 15850 PAGE NO. this experiment, which DATE..../..../ Penylated - Fals of 1833. it appears. Hrat. COROL DATE DSS administered stools, bleeting) noted. The volume of 1% DSS or water consumed also measured by weight. At end of expt., colours will be removed and length measured. A 1 cm section will be collected from the disable and for assessment of neutrophil and T cell inflution by IAAC stands is. The next 2 cm section will be collected and placed in formalin for histological analysis. Plasma will also be collected at termination. [ZO-25g] weighed and injected subcutaneously with NOTEBOOK NO Jbit Eth Jol 10 mice in each group. Normal drinking water then replaced with 1% DSS (ICN MW 36-50K, Cat No 160110) in tap water 24 hours after 1" antibody injection. once a week. Animals will be weighed each day and signs of disease (loose PROJECT NO CATE RECORDED BY Group 1 - 101.4, control untibody (tot.- 10014426/15) – (γ1 isotype) twice a week Group 2 - 101.4, control antibody (tot.- 10014426/15) – (γ1 isotype) once a week Group 4 - Anti-CSF-1, alkylated Ab33 (4.2 mg/ml) twice a week Group 4 - Anti-CSF-1, alkylated Ab33 (4.2 mg/ml) once a week Group 5 - Anti-CSF-1, alkylated Ab33 (4.2 mg/ml) noce a week Machae ,5 1 day To ussess the effects of anti-CSF-1 antibody on DSS induced colitis in mice. INVENTED BY <u>.</u>إ anti-csi. can initial mild dispera experiment with Ber son Shills. 1001 7 SSO (E) STY1.5 . source distribus Group 3 – No treatment control group
10 mice will continue to have normal drinking water. DATE Procedure Licence 70/5748, procedure 19. Balbic mice (males, batch RM3357, arrived P · DSS model of IBD (mice). deserve 07 pss 51991 Cartil - CSF-1 Jailed S 业场 智 ASSESSED AND UNDERSTOOD Mice will receive antibody 1 Ł Sarrage Ca 73 mAb@: 10mg/kg. 夕 TITLE: COL-CS: 1 Study Period Row Suba 130 9 Lery. Mile, Z. 1.3





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